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ENTREPRENEUR MEDIA, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENTREPRENEUR MEDIA, LLC,
a Delaware limited liability company,

Plaintiff,

v.

ENTREPRENEUR FIRST (USA)
OPERATIONS, LLC, a Delaware
limited liability company;
ENTREPRENEUR FIRST
OPERATIONS LIMITED, a United
Kingdom private limited company;
and DOES 1-10,

Defendants.

CASE NO. 24-cv-2064

Complaint For:

- (1) Trademark Infringement
(Lanham Act, 15 U.S.C. § 1114)**
- (2) Unfair Competition/False
Designation of Origin
(Lanham Act, 15 U.S.C. § 1125(a))**
- (3) Common Law Trademark
Infringement**
- (4) Common Law Unfair Competition**

DEMAND FOR JURY TRIAL

COMPLAINT
NATURE OF ACTION

1. Plaintiff Entrepreneur Media, LLC (“EM”) brings this Complaint against Entrepreneur First (USA) Operations, LLC (“EF (USA)”), Entrepreneur First Operations Limited (“EFOL”), and Does 1-10 for (i) federal trademark infringement and false designation of origin, and unfair competition in violation of the Lanham Act, 15 U.S.C. § 1051, *et seq.* and (ii) common law trademark infringement and unfair competition under California law. EM alleges, with knowledge concerning its own acts and on information and belief as to all other matters (unless otherwise specifically stated), as follows:

THE PARTIES

2. EM is a Delaware limited liability company with its principal place of business at 1651 East 4th Street, #125, Santa Ana, California 92701.

3. Defendant EF (USA) is a Delaware limited liability company, with a primary place of business at 33 West 17th Street, 5th Floor, New York, New York 10011. EF (USA) conducts business and provides goods and services throughout the United States, including California and in this District, under the ENTREPRENEUR FIRST mark.

4. Defendant EFOL is a United Kingdom private limited company, with a primary place of business at Senna Building, WeWork, Gorsuch Pl, London E2 8JF, United Kingdom. EFOL conducts business and provides goods and services throughout the United States, including California and in this District, under the ENTREPRENEUR FIRST mark.

5. Does 1-10 are persons or entities responsible in whole or in part for the wrongdoing alleged in the Complaint (“Doe Defendants”). Each of the Doe Defendants participated in, ratified, endorsed, and/or was otherwise involved in the acts complained of, and they have liability for such acts. EM will amend this

1 Complaint if and when the identities of such persons or entities and/or the scope of
2 their actions become known.

3 6. At all relevant times, EF (USA) and EFOL (collectively,
4 “Defendants”) acted as the principal, agent, and/or representatives of each of the
5 other Defendants. Any action by one of the Defendants was in the course and
6 scope of the agency relationship between the Defendants and was with the
7 permission, ratification, and/or authorization of each of the other Defendants.

8 7. Defendants have conducted business throughout the United States,
9 including California and in this District, using the ENTREPRENEUR FIRST
10 mark.

11 8. As fully detailed below, Defendants have used the ENTREPRENEUR
12 FIRST mark (alternatively referred to as the “Infringing Mark”) in a manner that
13 violates EM’s longstanding and strong rights in the ENTREPRENEUR® mark.

14 **JURISDICTION AND VENUE**

15 9. Pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. § 1338(a), this Court
16 has subject matter jurisdiction over EM’s claims for relief for violation of the
17 Lanham Act. Pursuant to 28 U.S.C. § 1338(b), this Court has supplemental
18 jurisdiction over EM’s state law claims because they are joined with substantial
19 and related claims under the Lanham Act. This Court also has supplemental
20 jurisdiction over EM’s state law claims pursuant to 28 U.S.C. § 1367(a) because all
21 of EM’s claims arise out of a common nucleus of operative facts.

22 10. This Court has personal jurisdiction over Defendants because
23 Defendants have: (a) conducted substantial business in the State of California and
24 this District by advertising, targeting, offering, selling, and providing their
25 goods/services to residents of this District; (b) derived financial benefits from
26 residents of the State of California by doing so; (c) purposefully availed
27 themselves of the privilege of conducting business in the State of California; and
28 (d) sought the protection and benefits of the laws of the State of California. In

1 addition, the causes of action arise from the Defendants' activities within and
2 actions targeted at the State of California.

3 11. Moreover, in a recent blog post from January 26, 2024, Defendants
4 boasted that they are "**establishing a permanent presence** in San Francisco,
5 launching [their] new hub in South Park" in February 2024. Defendants also stated
6 that "[f]rom now on, startups across [their] global sites will be invited to relocate to
7 San Francisco after funding from [their] Investment Committee" and "[t]hese
8 startups will have the opportunity to continue their journey . . . in San Francisco,
9 growing what they've built into an early stage company while gaining access to the
10 world's most important startup ecosystem," as shown below:

11 Launching our new hub in San 12 Francisco

13 Posted 26 January 2024



14 By Alice Bentinck
15 Cofounder and CEO

16 We're establishing a permanent presence in San Francisco, launching our
17 new hub in South Park next month.

18 From now on, startups across our global sites will be invited to relocate to
19 San Francisco after funding from our Investment Committee. These startups will
20 have the opportunity to continue their journey (the 'Launch' part of our product) in
21 San Francisco, growing what they've built into an early stage company while
22 gaining access to the world's most important startup ecosystem.

23 (www.joinef.com/posts/launching-our-new-hub-in-san-francisco/)

24 12. Thus, this Court also has personal jurisdiction over Defendants
25 because Defendants target their goods and services to the State of California by,
26 among other things, "establishing a permanent presence" in California, targeting
27 residents of California as consumers, and otherwise offering products and services
28 under the ENTREPRENEUR FIRST mark to residents of California.

13. Venue in this Court exists under 28 U.S.C. § 1391(b)(2), inasmuch as
a substantial part of the events giving rise to EM's claims occurred in this District.

Indeed, as noted above, Defendants have “establish[ed] a permanent presence in San Francisco.”

14. Pursuant to Civil Local Rule 3-2(c), this action may be assigned on a district-wide basis because it involves intellectual property rights.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

EM and Its Successful ENTREPRENEUR® Brand

15. For over forty years, EM (together with its predecessor companies) has published magazines and books, which provide editorial content and other information, as well as offered products and services related, or of interest, to businesses, business owners, and prospective business owners.

16. EM’s longstanding marketing and sales efforts have been conducted primarily under the mark ENTREPRENEUR® (the “ENTREPRENEUR Mark”).

17. EM is the publisher of ENTREPRENEUR® magazine and other publications incorporating the ENTREPRENEUR name in their titles. ENTREPRENEUR® magazine is published six times per year with a current print and digital paid circulation, including both subscriptions and single-copy sales, of more than 400,000 copies in the United States and worldwide.

18. ENTREPRENEUR® magazine routinely features articles about and interviews with some of the biggest names in the business and entertainment community, as shown here:



19. ENTREPRENEUR® magazine also annually publishes, and has continuously published for over thirty years, the highly anticipated Franchise 500® ranking of America's top franchises using EM's top-secret formula:



20. EM also publishes and distributes in the United States and worldwide over 120 book titles under the ENTREPRENEUR Mark and ENTREPRENEUR PRESS® imprint, and with over 2.5 million books sold, including translations in multiple languages throughout the world:



21. EM also conducts seminars, webinars, workshops, and other educational programs geared towards teaching others to successfully start and operate businesses. In one such program, EM has created, and for the last several years offered and sponsored, an exclusive online subscription program under the ENTREPRENEUR LEADERSHIP NETWORK® brand, whereby selected industry experts provide their advice, ideas and other content to help educate EM's millions of website visitors—both existing and potential business owners and entrepreneurs. Over the years, EM has also sponsored events, which have included: (i) the *Entrepreneur® Masters & Mentors* seminar series sponsored by

1 Cathay Pacific and Nissan, (ii) *Entrepreneur*[®] Magazine's *GrowthCon* conference
 2 sponsored by Canon USA, and (iii) the *Entrepreneur 360*[™], a conference
 3 sponsored by The Lincoln Motor Company, Canon USA, AXA Financial, and
 4 American Airlines.

5 22. In addition to its website at *entrepreneur.com*, which it has owned and
 6 operated continuously since 2002, EM also disseminates and markets its content
 7 and services through its mobile apps, and its various social media channels on such
 8 platforms as Facebook[®], YouTube[®], Instagram[®], and LinkedIn[®], and with a total
 9 of over 15 million followers.

10 23. The website at *entrepreneur.com* has recently averaged more than 5.9
 11 million unique users and more than 8.9 million page views per month.

12 24. EM has also launched apps for iPhones/ iPads and Android:



17 25. EM produces and offers a variety of podcasts, on its website at
 18 *entrepreneur.com*, and also distributed under the ENTREPRENEUR Mark on
 19 Spotify and Apple Podcast, as well as other outlets:

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Entrepreneur
 By Small Business Podcast by Entrepreneur Media
 To listen to an audio podcast, mouse over the title and click Play. Open iTunes to download and subscribe to podcasts.

Description
 These lively discussions bring Entrepreneur Media's journalists together with the most interesting, intriguing minds and leaders to discuss the challenges and rewards of entrepreneurship and innovation.

Name	Description	Released	Price	
1 #22: The Woman Who Got...	How do you convince t...	12/13/2017	Free	View in iTunes >
2 Practices to Conquer Stres...	How do you eliminate ...	12/12/2017	Free	View in iTunes >
3 Creating Your 2018 Tech...	Keep industrious hack...	12/12/2017	Free	View in iTunes >
4 Producing Legends with D...	Television producer w...	12/12/2017	Free	View in iTunes >

[View in iTunes](#)

27 26. EM's fame and high-quality content and services have resulted in
 28 numerous co-branding business relationships with some of the top names in news

and business. These co-branding relationships include: (i) annual rankings of top undergraduate and graduate colleges for entrepreneurship by The Princeton Review; (ii) webinars on topics such as leadership, starting and running a business, and marketing and social media, sponsored by such well-known companies as Comcast Business and Oracle NetSuite®; and (iii) videos presented by business leaders, such as the co-founder of Netflix® and the president and owner of In-N-Out Burger. EM's past co-branding relationships have included: (i) contests sponsored by General Motors and Canon USA; (ii) content provided and branded by CNBC, Reuters, NFL Players Association, and Business Insider; and (iii) Great Place to Work® (annual Best Small & Medium Workplaces rankings).

27. Most recently, EM has partnered with Yelp® to create AMERICA'S FAVORITE MOM & POP SHOPS™, an annual listing and ranking of 150 of America's most popular independently owned and operated small businesses throughout the U.S. EM has also partnered with Yelp® since 2020 to create a series of podcasts entitled *Behind the Review*, featuring conversations with business owners and reviewers about how small businesses can best respond to the needs and expectations of their customers. In addition, EM has: (i) partnered with Steve Case's *Rise of the Rest*™, a nationwide program to promote entrepreneurship in start-up ecosystems in middle America; (ii) hosted a contest with Canon USA under the rubric *Project Grow Challenge*, in which businesses were awarded money based on how they proposed to grow their businesses through increased productivity and consumer awareness; and (iii) partnered with Chivas Brothers Limited as its exclusive media content partner, in connection with and support of Chivas' annual event known as *The Venture*, a worldwide competition to discover, celebrate, and award with investment dollars extraordinary startup businesses creating positive social change.

1 28. Through careful cultivation of its various products and services, EM
2 has developed an outstanding reputation as an innovator in the field of business
3 start-ups and strategy and has established an extremely loyal customer following.

4 29. EM has received a tremendous amount of public recognition and
5 acclaim for the products sold and services provided under its ENTREPRENEUR
6 Mark. Through EM's widespread and continuous use of the ENTREPRENEUR
7 Mark, it has acquired extensive goodwill, developed a high degree of
8 distinctiveness, and become famous, well known, and recognized as identifying
9 goods and services that originate from EM.

10 30. The fame and quality of the products and services bearing the
11 ENTREPRENEUR Mark have been widely recognized through industry awards
12 and commendations. For example, *ENTREPRENEUR* magazine was rated #1
13 among the top twelve "Most Relevant Business Magazines for Entrepreneurs in
14 2023" by Altar.io, and was a finalist in two categories in the 2018 Folio Digital
15 Awards for "Best Website Relaunch" and "Best User Experience." Additionally,
16 two of EM's editor-led podcasts recently earned recognition: the "Problem
17 Solvers" podcast series earned the 2018 Digiday Publishing Award for "Best Use
18 of a Podcast" and the "How Success Happens" podcast series was a finalist in the
19 2018 Folio Digital Awards. EM has also been honored as a finalist in two
20 categories in Folio's 2010 Eddie & Ozzie magazine awards, has been named one
21 of the top performing magazines for four years in "Capell's Circulation Report,"
22 and has been honored for its content by receipt of the prestigious *Maggie* award in
23 2008, 2009, 2010, and 2011 from the Western Publishing Association. EM's
24 website at *entrepreneur.com* has been awarded "Outstanding Achievement in Web
25 Development" by the Web Marketing Association, and its networking website
26 under the ENTREPRENEUR CONNECT Mark was voted the #1 "Top 10 Social
27 Networks for Entrepreneurs" by Mashable.com. EM has also received multiple
28

Integrated Marketing Awards from MIN for its magazine and website, including being selected as an awards finalist in 2015.


31. In addition, both ENTREPRENEUR[®] magazine and the *entrepreneur.com* website have been named to BtoB magazine's 2010, 2011, and 2012 lists of the top 50 media outlets for business-to-business advertising. EM's management and staff have also been recognized for their contributions to publishing and the media industry, including such awards and recognitions in 2015 as (i) Folio's designation of an EM staff writer as one of the "Top Women in Media," and (ii) Fast Company's recognition on Twitter of EM's Editor-in-Chief as one of the "25 Smartest Women in Media."

EM's Intellectual Property Rights

32. EM owns, and has obtained United States federal registrations for, the ENTREPRENEUR Mark, as well as a family of related marks incorporating the term ENTREPRENEUR, as follows:

TRADEMARK	CLASS: GOODS/SERVICES	REG. NO. REG. DATE
ENTREPRENEUR	16: Paper goods and printed matter; namely magazines, books, and published reports pertaining to business opportunities	1,453,968 August 25, 1987
ENTREPRENEUR	35: Advertising and business services, namely, arranging for the promotion of the goods and services of others by means of a global computer network and other computer online services providers; providing business information for the use of customers in the field of starting and operating small businesses and permitting customers to obtain information via a global computer network and other computer online service providers; and web advertising services, namely, providing active links to the websites of others	2,263,883 July 27, 1999
ENTREPRENEUR	35: Arranging and conducting trade show exhibitions in the field of entrepreneurial activities, namely, the start-up and operation of small business enterprises 41: Educational services, namely, conducting seminars on the development and operation of businesses, and conducting workshops on computer technology, telecommunications, marketing, financing options, real estate management, tax planning, and insurance	2,502,032 October 30, 2001

TRADEMARK	CLASS: GOODS/SERVICES	REG. NO. REG. DATE
ENTREPRENEUR	38: Streaming of video and digital material on the Internet	4,260,948 December 18, 2012
ENTREPRENEUR	9: Downloadable computer software and software for mobile devices for the reproduction, display, and distribution of digitized content	4,345,424 June 4, 2013
ENTREPRENEUR	9: Pre-recorded audio and audiovisual recordings of programs concerning strategies and other how-to information about starting and successfully operating businesses, successful business owners and other information of interest to business owners and members of the general public interested in owning and operating a business, in the form of downloadable recordings 38: Streaming of audiovisual and multimedia content via the internet; transmission and delivery of audiovisual and multimedia content via the internet; video-on-demand transmission services; mobile media services in the nature of electronic transmission, wireless broadcasting and electronic delivery of audio, video and multimedia entertainment content, namely, text, data, images, audio, video, and audiovisual files provided via the internet; video broadcasting services over the internet or other communications network, namely, electronically transmitting video clips; internet broadcasting services; providing streaming of audio and video in the nature of programs concerning strategies and other how-to information about starting and successfully operating businesses, successful business owners and other information of interest to business owners and members of the general public interested in owning and operating a business, namely, audio, visual, and audiovisual matter for others via global computer networks; broadcasting and transmission of radio, and internet programs; broadcasting of internet programs via radio and television; broadcasting of programs provided over the internet; streaming audio, video, and audiovisual content, data and information on the Internet, communications networks and wireless telecommunications networks; providing video on-demand transmission of audio, video and audiovisual content, data and information; transmission of audio, video and audiovisual content, data and information on the Internet, communications networks and wireless	5,256,907 August 1, 2017

TRADEMARK	CLASS: GOODS/SERVICES	REG. NO. REG. DATE
	telecommunications networks. 41: Entertainment services, namely, the production, presentation, distribution and syndication of on-going television, internet and non-downloadable audio and audiovisual recordings, all of the aforementioned concerning strategies and other how-to information about starting and successfully operating businesses, successful business owners and other information of interest to business owners and members of the general public interested in owning and operating a business	
ENTREPRENEUR	25: Clothing, namely, shirts; fleece pullovers; pullovers; shirts; short-sleeved or long-sleeved t-shirts; short-sleeved shirts; T-shirts; Headgear, namely, hats, caps.	4,690,619 February 24, 2015
ENTREPRENEUR BOOKSTORE	35: Online ordering services featuring printed and electronically downloadable publications, namely, books, study guides, concerning advice and information relating to starting and operating a business and other topics concerning and of interest to entrepreneurs, new and existing businesses, and members of the general public	4,612,937 September 30, 2014
ENTREPRENEUR PRESS	16: Paper goods and printed matter, namely, books, manuals, work books, study guides, legal and business forms, and newsletters concerning advice and information relating to the subjects of starting, running, and operating a business, and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses, and members of the general public	3,470,064 July 22, 2008
	16: Paper goods and printed matter, namely, books, manuals, work books, study guides, legal and business forms, and newsletters concerning advice and information relating to the subjects of starting, running and operating a business, and individuals who succeeded in business, which subjects are of interest to entrepreneurs, new and existing businesses, and members of the general public	3,470,063 July 22, 2008
ENTREPRENEUR'S STARTUPS	9: Downloadable computer software and software for mobile devices for the reproduction, display, distribution, and sharing of digitized content; downloadable electronic publications, namely, magazines in the fields of business, finance, sales, marketing, current events, lifestyle issues, and developments in science and technology	4,532,577 May 20, 2014

TRADEMARK	CLASS: GOODS/SERVICES	REG. NO. REG. DATE
ENTREPRENEUR'S STARTUPS	16: Paper goods and printed matter; namely, magazines pertaining to business opportunities	3,204,899 February 6, 2007
ENTREPRENEUR VOICES	9: Downloadable digital books in the nature of e-books, namely, a downloadable series of non-fiction e-books featuring the unique voices of thought leaders, topic experts, small business owners and entrepreneurs, who share their definitive and unique perspectives on various hot and trending topics of interest to entrepreneurs, new and existing business owners and members of the general public, including inspirational stories and timeless advice 16: Paper goods and printed matter, namely, a series of non-fiction books featuring the unique voices of thought leaders, topic experts, small business owners and entrepreneurs, who share their definitive and unique perspectives on various hot and trending topics of interest to entrepreneurs, new and existing business owners and members of the general public, and inspirational stories and timeless advice	5,854,545 September 10, 2019

33. The above marks are collectively referred to as the “EM Marks.” The above registrations are collectively referred to as the “EM Registrations.”

34. EM’s five U.S. registrations for the ENTREPRENEUR Mark (Nos. 1,453,968; 2,263,883; 2,502,032; 4,260,948; 4,345,424; 4,690,619) and several other of the foregoing registrations are also incontestable pursuant to 15 U.S.C. § 1065, which constitutes conclusive evidence of the registrations’ validity, as well as EM’s entitlement to the exclusive use of the marks in commerce throughout the United States on the goods and services listed in the registrations.

35. Further, the EM Registrations constitute prima facie evidence that the EM Marks are valid, and that EM is entitled to the exclusive use of the EM Marks in commerce throughout the United States on the goods and services listed in the registrations.

36. EM, and its predecessors in interest, have been and are now engaged in the business of developing, creating, distributing, marketing, advertising, and

1 selling a wide variety of goods and services under the EM Marks, and in particular
 2 under the ENTREPRENEUR Mark. In fact, EM has used the ENTREPRENEUR
 3 Mark in commerce for over forty years, having first adopted that mark for
 4 magazines at least as early as May 2, 1978, which is famous, well-known, and
 5 recognized as identifying goods and services that originate from EM.

6 37. Through careful cultivation of its goods and services provided under
 7 the EM Marks, and in particular the ENTREPRENEUR Mark, EM has developed
 8 an outstanding reputation as an innovator in the field of business start-ups and
 9 strategy and has established an extremely loyal customer following. Through
 10 EM's widespread and continuous use of its family of EM Marks, these marks have
 11 acquired extensive goodwill, developed a high degree of distinctiveness, and
 12 become well-known and recognized as identifying goods and services that
 13 originate from EM.

14 38. Numerous courts across the country have recognized the strength of
 15 the EM Marks, including¹:

- 16 i. The U.S. District Court for the Central District of California held that
 17 "[t]he extensive advertising and public recognition over the past 25
 18 years have established [the ENTREPRENEUR[®] Mark] as a strong
 19 mark in the industry"; the ENTREPRENEUR[®] Mark "is a strong
 20 distinctive mark, deserving of significant protection"; and the
 21 ENTREPRENEUR Mark "has acquired secondary meaning."
 22 *Entrepreneur Media, Inc. v. Smith*, No. 98-3607, 2004 U.S. Dist.
 23 Lexis 24078, *9–10, 13 (C.D. Cal. June 23, 2004).
- 24 ii. The Ninth Circuit reviewed the District Court's findings and affirmed
 25 them on appeal. *Entrepreneur Media, Inc. v. Smith*, 101 Fed. App'x
 26 212, 215 (9th Cir. 2004).

27
 28 ¹ Some of the cases cited mention "Entrepreneur Media, Inc." or "EMI." These
 refer to EM, as EM was previously known as Entrepreneur Media, Inc.

- 1 iii. The U.S. District Court for the Central District of California in a later
2 case adopted the holding of the district court in the Smith case, and
3 once again found that “the mark ENTREPRENEUR is strong
4 distinctive mark, deserving of significant protection” and that “EMI’s
5 ENTREPRENEUR mark is a strong mark” that was infringed by
6 defendant’s ENTREPRENEUR PODCAST mark. *See Entrepreneur*
7 *Media, Inc. v. Eric M. Dye, et al.*, No. 18-cv-0341-DOC (PLAx),
8 Docket No. 22 (C.D. Cal., Sept. 11, 2018).
- 9 iv. The U.S. District Court for the Central District of California recently
10 held that “the EMI Marks, including the ENTREPRENEUR[®] mark,
11 have acquired extensive goodwill, developed a high degree of
12 distinctiveness, and become famous, well known, and recognized as
13 identifying goods and services that originate from EMI such that they
14 are deserving of strong protection.” *See Entrepreneur Media, Inc. v.*
15 *Alfonso*, No. 8:21-cv-00644-DOC-(JDEx), 2021 U.S. Dist. LEXIS
16 130502, at *15 (C.D. Cal. July 12, 2021) (also finding that EM’s
17 rights were violated by the ENTREPRENEUR AFFILIATES
18 MASTERY and ENTREPRENEUR AFFILIATES marks).
- 19 v. The U.S. District Court for the Central District of California has also
20 twice held that “the ENTREPRENEUR Mark and EMI’s related
21 marks have developed a high degree of distinctiveness and become
22 well-known and recognized as identifying goods and services that
23 originate from EMI.” *Entrepreneur Media, Inc. v. Entrepreneurs*
24 *Opportunities, LLC*, No. 17-cv-01341-JVS-KES, Docket No. 20 (C.D.
25 Cal., Jan. 14, 2018); *Entrepreneur Media, Inc. v. The Innovation*
26 *Initiative, et al.*, No. 17-cv-2261-JVS-KES, Docket No. 23 (C.D. Cal.,
27 August 2, 2018) (finding the same); *see also Entrepreneur Media, Inc.*
28 *v. Darren Casey*, No. 18-cv-01058-JLS-AGR, Docket No. 20 (C.D.

Cal., December 20, 2018) (recognizing that EM’s marks are protectable and have been used for over forty years); *Entrepreneur Media, Inc. v. John Doe d/b/a/ Entrepreneur Press*, No. 19-cv-01706-JLS-JDE, Docket No. 23 (C.D. Cal., October 21, 2020) (recognizing the same). These courts also held that EM’s rights were violated by, respectively, the ENTREPRENEUR OPPORTUNITIES mark, the ENTREPRENEUR TV mark, the FIT ENTREPRENEUR MAGAZINE mark, and the ENTREPRENEUR PRESS mark.

vi. The U.S. District Court for the District of Colorado held that “the EMI Marks, and in particular the ENTREPRENEUR® mark, have acquired extensive goodwill, developed a high degree of distinctiveness and secondary meaning, and become well known, famous, and recognized as identifying goods and services that originate from EMI, such that they are deserving of strong protection.” *Entrepreneur Media, Inc. v. Spencer et al.*, No. 1:17-cv-01637-RBJ, Docket No. 20, at pg. 8 (D. Colo. Dec. 15, 2017) (also finding that EM’s rights were violated by the ENTREPRENEUR SUPPORT mark).

vii. The U.S. District Court for the District of Connecticut has recognized that “the EMI Marks, and in particular the ENTREPRENEUR Mark, have acquired extensive goodwill, developed a high degree of distinctiveness and secondary meaning, and become well known and recognized as identifying goods and services that originate from EMI, such that they are deserving of strong protection.” *Entrepreneur Media, Inc. v. Whitehill et al.*, No. 13-cv-01819(MPS), Docket No. 19 (D. Conn. Aug. 19, 2015) (also finding that EM’s rights were violated by the ENTREPRENEUR WEEK mark).

viii. The U.S. District Court for the District of Maryland has twice recognized the EM Marks as valid, strong, and distinctive.

Entrepreneur Media, Inc. v. JMD Entertainment Group, LLC, et al., No. RDB-12-1970, Docket No. 30 (D. Md. July 23, 2013); *id.*, Docket No. 47 (Apr. 7, 2014) (also finding that EM’s rights were violated by the ENTREPRENEURS EDGE mark).

ix. Both a Magistrate Judge and District Court Judge in the Eastern District of Virginia found the ENTREPRENEUR Mark to be distinctive. *Entrepreneur Media, Inc. v. seattleentrepreneur.com*, No. 11-00409, Docket No. 22 (E.D. Va. Dec. 6, 2011) (also finding that EM’s rights were violated by the registration of the *seattleentrepreneur.com* and *austinentrepreneur.com* domain names).

Defendants’ Infringing Mark

39. Defendants own the *joinef.com* domain name and operate a website at this domain using the ENTREPRENEUR FIRST mark. Previously, the ENTREPRENEUR FIRST mark was used in connection with a stylized “door key” logo that was made of up a lowercase “e” and “f,” as shown below:



40. However, in or around September 2023, Defendants engaged in a rebranding campaign. On information and belief, Defendants rebranded their mark for the sole purpose of making it look even more similar to EM’s ENTREPRENEUR Mark and to create more consumer confusion in the marketplace—all to the detriment of EM and to the benefit of Defendants.

41. As part of their rebranding campaign, Defendants removed the “door key” logo and made the “entrepreneur” term portion of their mark significantly larger to put emphasis on this term, as shown below:



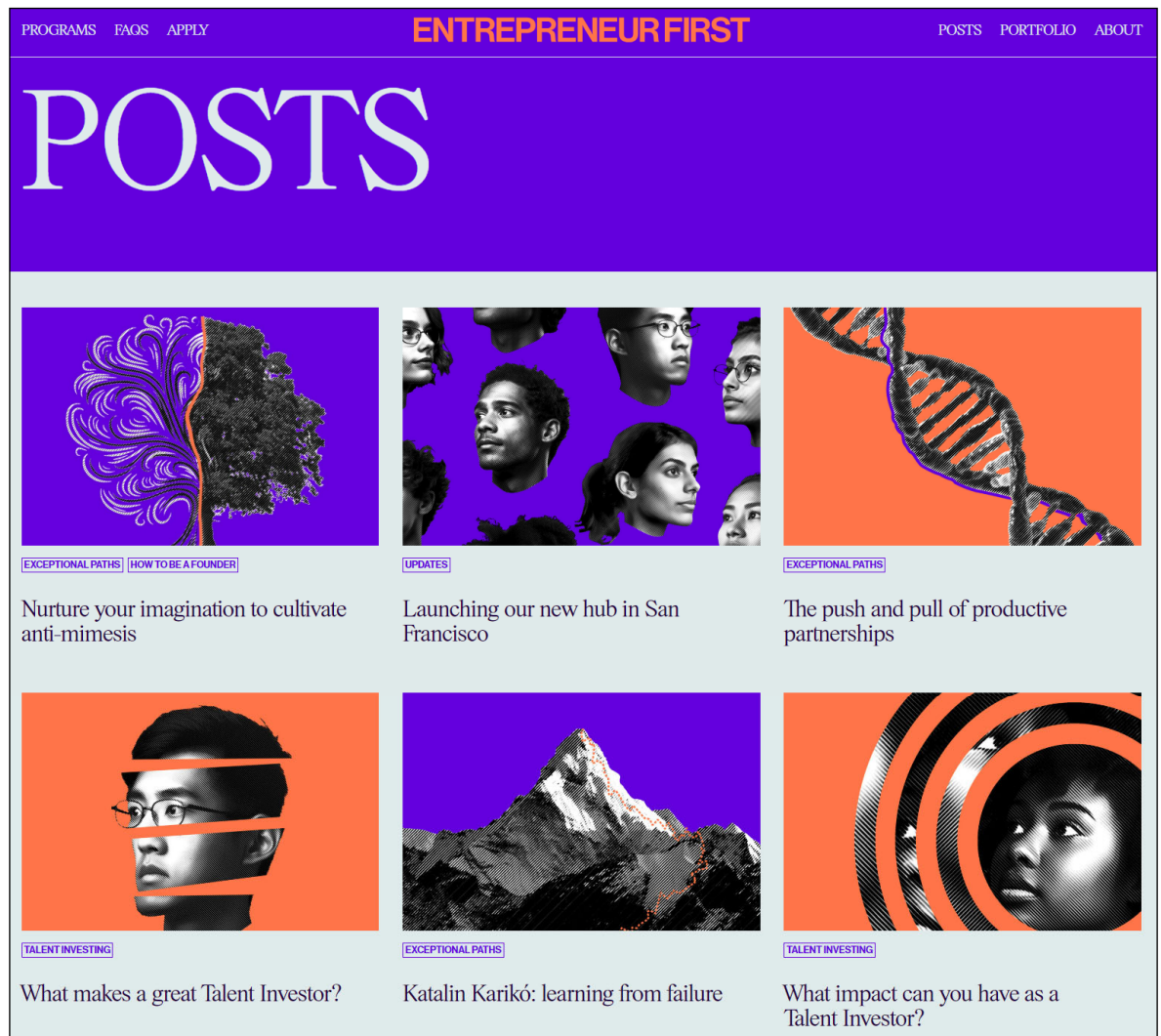
(www.joinef.com)

42. This rebrand was not a mere coincidence. Indeed, prior to this rebrand, the parties had an ongoing trademark dispute in the U.S. Patent and Trademark Office’s (“USPTO”) Trademark Trial and Appeal Board (“TTAB”) regarding Defendants’ ENTREPRENEUR FIRST mark. In that dispute, Defendants were put on notice of EM’s rights to the EM Marks, as well as the fact that EM had priority. Moreover, prior to the rebrand, EM had continually expressed its concern with Defendants’ use of the ENTREPRENEUR FIRST mark, and the parties had many settlement discussions to discuss those concerns.

43. Despite seeming to engage in good faith negotiations with EM about these issues in an effort to amicably settle the dispute, this rebrand now makes clear that Defendants actually engaged in those discussions in bad faith, as they had no intent whatsoever to change their mark. Despite having full knowledge

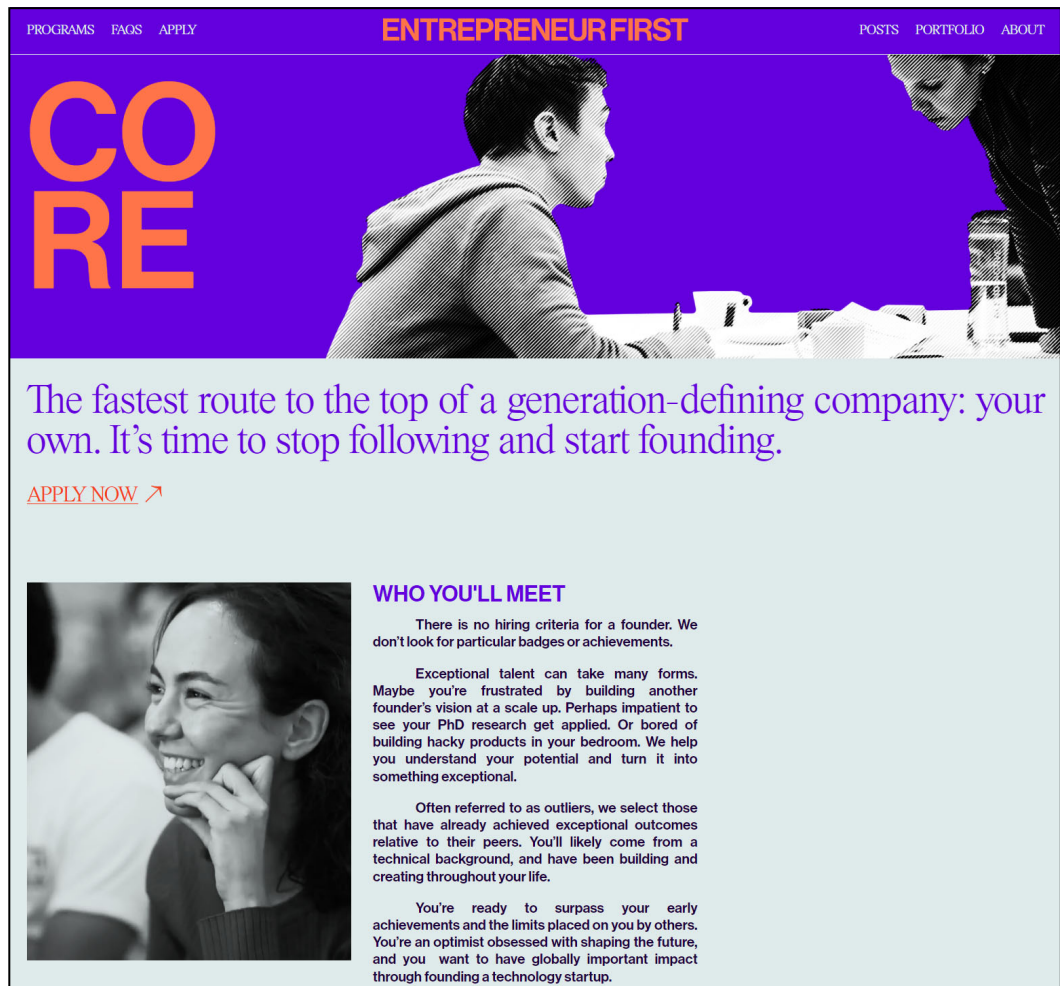
about EM's trademark rights, Defendants moved forward at full speed and modified their mark to create even more consumer confusion in the marketplace.

44. Under the ENTREPRENEUR FIRST mark, Defendants provide a broad range of goods and services, including business education products and services for startups and individuals who are interested in starting or developing a company. For instance, Defendants offer a program that teaches business practices surrounding founding a company and provides various resources, as shown below:



(www.joinef.com/program/core)

45. Defendants also publish blog posts on their *joinef.com* website. These blog posts provide various resources and business-related advice for individuals seeking to start or develop a company, as shown below:



(www.joinef.com/posts)

46. Moreover, Defendants use the ENTREPRENEUR FIRST mark to offer a podcast that provides, among other things, advice to individuals who want to start or develop a business (as shown below). This podcast is available on several podcast platforms including, but not limited to, Apple Podcasts.

Apple Podcasts Preview



19 episodes

The Founder's Mindset explores the minds of young entrepreneurs through the early days of founding a company. While challenges are inevitable in business, how we respond to them can be the difference between success and failure.

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SEP 5, 2023

S3 | E6: Passion, Purpose, or Both? Lessons From Conversations With...

In the final episode of season 3, Alice and Gena reflect on the five conversations they've shared. We hope you've found these conversations as valuable and thought-provoking as we have. Subscribe to The Founder's Mindset so you never miss an episode. This is a podcast from Entrepreneur First. Lea...

[PLAY](#) 43 min

SEP 5, 2023

S3 | E5: Founders Need Community Before Advice

In this episode Gena and Alice had the pleasure of speaking with David Booth, the founder and CEO of OnDeck—a curated community designed to increase your odds of building a successful venture-backed company. Now, if you're thinking that sounds a bit similar to Entrepreneur First's mission, yo...

[PLAY](#) 58 min

SEP 5, 2023

S3 | E4: Supersonic Flight and Why Big Ideas Aren't Crazy

In this episode, Alice and Gena spoke with Blake Scholl, founder of Boom Supersonic. Described by The Guardian as 'the man who aims to bring the son of Concorde to the skies', Blake is on a mission to bring supersonic commercial passenger flights to the world as soon as 2026. Why, you ask? Well,...

[PLAY](#) 55 min

SEP 5, 2023

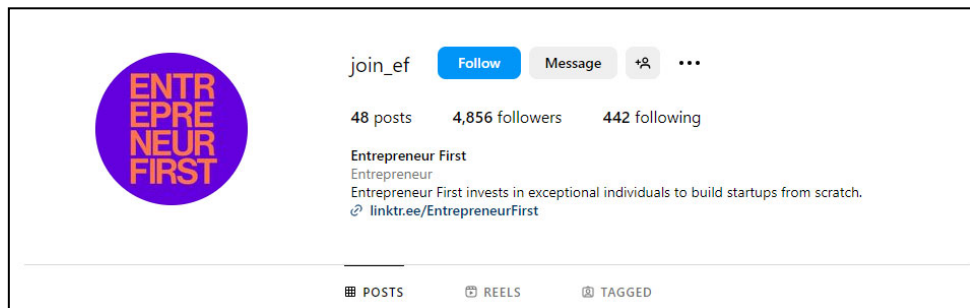
S3 | E3: Founders Are People Too! Lessons From The Founder Coach

This episode is a little bit different and a particular delight for Gena, because she got to talk to one of her colleagues and direct inspirations: Amy Buechler—who is not a startup founder herself, but rather a psychotherapist turned executive coach. And not just any executive coach, but one of Silicon...

[PLAY](#) 48 min

(<https://podcasts.apple.com/us/podcast/the-founders-mindset/id1613937514>)

47. Defendants advertise their goods and services under the ENTREPRENEUR FIRST mark on various social media platforms, including, but not limited to, Instagram, Facebook, and Twitter (the “Infringing Social Media Accounts”), as shown in the below examples:



(www.instagram.com/join_ef)



(www.facebook.com/joinef)



(www.twitter.com/join_ef)

48. Defendants filed a trademark application (Serial No. 79/254294) with the USPTO to register the ENTREPRENEUR FIRST mark for use with the following goods and services: “*Business management advisory and consultancy services; business management and business consultancy services for new start-up companies; business introductory services in the nature of business networking; business intermediary services relating to introducing potential private investors to entrepreneurs who require funding; business profit analysis; business advice*

1 *relating to financial re-organisation; business advisory services relating to*
 2 *product development; business advice relating to strategic marketing; business*
 3 *talent recruitment agency services; personnel consultancy services for business*
 4 *talent identification services; business talent identification and recruitment*
 5 *advisory services” in Class 35; “Financial services, namely, financial planning for*
 6 *businesses; arranging finance for businesses; providing financing to emerging and*
 7 *start-up companies; venture capital funding services to emerging and start-up*
 8 *companies; financial investment advisory services” in Class 36; “Educational and*
 9 *training services, namely, seminars and workshops in the field of creating and*
 10 *growing businesses; business training services; education and training services,*
 11 *namely, seminars and workshops and training in relation to business management;*
 12 *organising conferences and workshops in the field of creating, growing and*
 13 *managing all aspects of start up and small businesses, for training purposes;*
 14 *coaching and mentoring services relating to entrepreneurial development for small*
 15 *business owners” in Class 41; and “Technical advisory services relating to*
 16 *analyzing the strengths and weaknesses of new technology and technological*
 17 *solutions for the purpose of assisting entrepreneurs in establishing new businesses;*
 18 *advisory services relating to computer software; provision of expert evaluations*
 19 *relating to computing and information technology products design and*
 20 *development; analysis and evaluation of product development” in Class 42.*

21 49. EM opposed Defendants’ trademark application for the
 22 ENTREPRENEUR FIRST mark (Opp. No. 91267334), and this action remains
 23 pending before the TTAB.

24 50. In light of EM’s renown, online presence, and long history of
 25 providing goods and services under the EM Marks, EM is very concerned that
 26 consumers will likely be confused and mistakenly believe that Defendants and
 27 their goods and/or services are endorsed, approved, or sponsored by, or affiliated,
 28 connected, or associated with, EM.

1 51. Defendants will thus reap the benefits of EM's reputation and
2 goodwill based on this consumer confusion, to EM's detriment.

3 52. EM attempted to reconcile its concerns with Defendants, including by
4 a letter, various follow-up correspondence, and by opposing Defendants'
5 trademark application. While the parties have been engaged in good faith
6 negotiations and have explored numerous potential options for resolving their
7 differences, Defendants recently rebranded in a manner designed to trade off EM's
8 goodwill and confuse consumers and ultimately refused to cease use of the
9 Infringing Mark.

10 53. Given Defendants' actions and continuing use of the Infringing Mark,
11 EM brought this suit to fully litigate and resolve the trademark issues between the
12 parties.

13 **EM Is Harmed By Defendants' Continuing**
14 **Infringement & Unlawful Conduct**

15 54. Defendants' continued use of the confusingly similar Infringing Mark
16 in commerce violates EM's valuable intellectual property rights in the EM Marks
17 and EM Registrations, and Defendants' knowing, intentional, willful, and
18 malicious use of its marks is damaging to EM and EM's property.

19 55. Defendants have used the Infringing Mark to unfairly usurp and
20 capitalize on the value and goodwill of the EM Marks and the EM Registrations,
21 particularly the ENTREPRENEUR Mark. Defendants are aware of EM's strong
22 trademark rights and reputation in the marketplace, but nevertheless, use the
23 Infringing Mark to profit from the goodwill associated with the EM Marks and EM
24 Registrations.

25 56. Defendants have intentionally and knowingly capitalized off of
26 confusion between the EM Marks, particularly the ENTREPRENEUR Mark, and
27 the ENTREPRENEUR FIRST mark, including by providing content almost
28 identical to EM's content, as described above.

57. Due to Defendants' continuing willful infringement and unlawful conduct, EM is now forced to bring this Complaint to protect its valuable and longstanding intellectual property rights. EM had to retain counsel and incur substantial fees and costs (and it continues to incur those fees and costs) to prosecute this suit and pursue its claims.

58. EM's interest in protecting its intellectual property rights and its products and services from consumer confusion outweigh any harm to Defendants. The public interest is best served by granting EM's requested relief against Defendants.

FIRST CLAIM FOR RELIEF

Federal Trademark Infringement – 15 U.S.C. § 1114

59. EM incorporates by reference the factual allegations set forth above.

60. EM owns the EM Marks and the EM Registrations. The trademarks reflected in the EM Registrations are strong and distinctive and designate EM as the source of all products and services advertised, marketed, sold, or used in connection with the EM Marks. In particular, the ENTREPRENEUR Mark has been used for over forty years and has been recognized by federal courts as a strong and distinctive mark.

61. EM is the senior user of the EM Marks as it began use of those marks in interstate commerce prior to Defendants' first use of the confusingly similar Infringing Mark.

62. Defendants do not have authorization, license, or permission from EM to market and sell their products and services under the Infringing Mark, which are confusingly similar to the EM Marks, including the ENTREPRENEUR Mark, and which are used by Defendants with products and services that are identical and/or closely related to the particular products and services associated with the EM Marks, particularly the ENTREPRENEUR Mark.

63. Defendants were aware of the EM Marks, particularly the ENTREPRENEUR Mark, as Defendants were on constructive notice based on EM's longstanding federal registrations, as well as on actual notice based on EM's numerous communications with Defendants about this matter. Yet, Defendants continued to use their Infringing Mark. Thus, Defendants' unauthorized use of the confusingly similar Infringing Mark was and is knowing, intentional, and willful.

64. As a direct and proximate result of Defendants' wrongful conduct, EM has been and will continue to be damaged.

65. Defendants' actions therefore constitute trademark infringement.

66. Unless an injunction is issued enjoining any continuing or future use of the confusingly similar Infringing Mark by Defendants, such continuing or future use is likely to continue to cause confusion, mistake, or deception as to source, origin, affiliation, or sponsorship, and will thereby irreparably harm EM.

67. Defendants' activities have caused and will continue to cause irreparable harm to EM, for which it has no adequate remedy at law, because:

- (i) the EM Marks, and in particular the ENTREPRENEUR Mark, comprise unique and valuable property rights that have no readily determinable market value;
- (ii) Defendants' infringement constitutes interference with EM's goodwill and customer relationships and is harming and will continue to substantially harm EM's reputation as a source of high-quality goods and services; and
- (iii) Defendants' wrongful conduct, and the damages resulting to EM, are continuing. Accordingly, EM is entitled to injunctive relief pursuant to 15 U.S.C. § 1116(a).

68. Pursuant to 15 U.S.C. §1117(a), EM is entitled to an order:

- (i) requiring Defendants to account to EM for any and all profits derived from its infringing actions, to be increased in accordance with the applicable provisions of law; and
- (ii) awarding all damages sustained by EM that were caused by Defendants' conduct.

69. Defendants' conduct was and is intentional and without foundation in law, and, pursuant to 15 U.S.C. § 1117(a), EM is therefore entitled to an award of treble damages against Defendants.

70. Defendants' acts make this an exceptional case under 15 U.S.C. § 1117(a); thus EM is entitled to an award of attorneys' fees and costs.

SECOND CLAIM FOR RELIEF

Federal Unfair Competition/False Designation of Origin – 15 U.S.C. § 1125(a)

71. EM incorporates by reference the factual allegations set forth above.

72. The EM Marks, and in particular the ENTREPRENEUR Mark, are strong and distinctive and designate EM as the source of all goods and services advertised, marketed, sold, or used in connection with those marks. In addition, by virtue of EM's decades of use of the ENTREPRENEUR Mark in connection with its products and services, and its extensive marketing, advertising, promotion, and sale of its products and services under that mark and the EM Marks, the EM Marks, including in particular the ENTREPRENEUR Mark, have acquired secondary meaning, whereby the consuming public of this District, the State of California, and the United States associate the EM Marks with a single source of products and services.

73. EM is the senior user of the EM Marks as it began use of those marks in interstate commerce prior to Defendants' first use of the confusingly similar Infringing Mark.

74. Defendants were aware of the EM Marks, and in particular the ENTREPRENEUR Mark, because Defendants were on constructive notice based on EM's longstanding federal registrations, as well as on actual notice based on EM's numerous communications with Defendants about this matter. Yet, Defendants continued to use their Infringing Mark. Thus, Defendants' unauthorized use of the confusingly similar Infringing Mark was and is knowing, intentional, and willful.

1 75. Through their use of the confusingly similar Infringing Mark,
2 Defendants intended to, and did in fact, confuse and mislead consumers into
3 believing, and misrepresented and created the false impression, that EM somehow
4 authorized, originated, sponsored, approved, licensed, or participated in
5 Defendants' use of the confusingly similar Infringing Mark.

6 76. In fact, there is no connection, association, or licensing relationship
7 between EM and Defendants, nor has EM ever authorized, licensed, or given
8 permission to Defendants to use the confusingly similar Infringing Mark in any
9 manner.

10 77. Defendants' use of the confusingly similar Infringing Mark will likely
11 cause confusion as to the origin and authenticity of Defendants' website, and
12 related goods and services, and will likely cause others to believe that there is a
13 relationship between Defendants and EM when there is, in fact, not.

14 78. As a direct and proximate result of Defendants' wrongful conduct,
15 EM has been and will continue to be damaged.

16 79. Defendants' actions thus constitute false designation of origin and
17 unfair competition.

18 80. Defendants' activities have caused, and will continue to cause,
19 irreparable harm to EM, for which it has no adequate remedy at law, in that: (i) the
20 EM Marks, including the ENTREPRENEUR Mark, comprise unique and valuable
21 property rights that have no readily determinable market value; (ii) Defendants'
22 infringement constitutes interference with EM's goodwill and customer
23 relationships and will substantially harm EM's reputation as a source of high-
24 quality goods and services; and (iii) Defendants' wrongful conduct, and the
25 damages resulting to EM, are continuing. Accordingly, EM is entitled to
26 injunctive relief pursuant to 15 U.S.C. § 1116(a).

27 81. Pursuant to 15 U.S.C. §1117(a), EM is entitled to an order:
28 (i) requiring Defendants to account to EM for any and all profits derived from its

actions, to be increased in accordance with the applicable provisions of law; and
 (ii) awarding all damages sustained by EM that were caused by Defendants' conduct.

82. Defendants' conduct was and is intentional and without foundation in law, and pursuant to 15 U.S.C. § 1117(a), EM is therefore entitled to an award of treble damages against Defendants.

83. Defendants' acts make this an exceptional case under 15 U.S.C. § 1117(a); thus EM is entitled to an award of attorneys' fees and costs.

THIRD CLAIM FOR RELIEF

Common Law Trademark Infringement

84. EM incorporates by reference the factual allegations set forth above.

85. EM has valid and protectable common law rights in the EM Marks.

86. EM is the senior user of the EM Marks.

87. Defendants' conduct constitutes infringement of EM's common law rights in the EM Marks.

88. Defendants' use of the confusingly similar Infringing Mark on unauthorized goods and services is likely to cause confusion as to the origin of Defendants' goods and services and is likely to cause others to believe that there is a relationship between Defendants and EM.

89. Defendants' wrongful acts have permitted and will permit them to receive substantial profits based on the strength of EM's reputation and the substantial goodwill it has built up in the EM Marks.

90. As a direct and proximate result of Defendants' wrongful conduct, EM has been and will continue to be damaged.

91. Unless an injunction is issued enjoining any continuing or future use of the Infringing Mark by Defendants, such continuing or future use is likely to continue to cause confusion and thereby irreparably damage EM. EM has no adequate remedy at law. Accordingly, EM is entitled to an injunction.

FOURTH CLAIM FOR RELIEF

Common Law Unfair Competition

92. EM incorporates by reference the factual allegations set forth above.

93. EM has expended significant time and expense in developing the EM Marks and the high-quality products and services it markets and sells under those marks. The EM Marks have been very successful and have developed a substantial reputation and goodwill in the marketplace.

94. Through their wrongful conduct, Defendants have misappropriated EM's efforts and are exploiting the EM Marks, and EM's reputation to market and sell their goods and services under the Infringing Mark. These actions constitute unfair competition.

95. As a direct and proximate result of Defendants' wrongful conduct, EM has been and will continue to be damaged.

96. Unless an injunction is issued enjoining Defendants' unfairly competitive conduct, EM will continue to be damaged irreparably. EM has no adequate remedy at law. Accordingly, EM is entitled to an injunction.

97. Defendants have acted willfully, intentionally and maliciously, such that EM is entitled to punitive damages.

PRAYER

WHEREFORE, EM prays for the following relief:

A. An injunction ordering Defendants, and their officers, directors, members, agents, servants, employees, and attorneys, and all other persons acting in concert or participating with them (collectively, the "Enjoined Parties"), who receive actual notice of the injunction order by personal or other service, to:

- i. cease all use and never use the ENTREPRENEUR FIRST mark, the EM Marks, or any other mark likely to cause confusion with the EM Marks, including any misspelling or variation of those Marks, in, on, or with any products or

1 services, or in connection with the, advertising, marketing, or
2 other promotion, distribution, offering for sale, or sale, of any
3 products or services, including on the Infringing Social Media
4 Accounts;

5 ii. never use any false designation of origin, false representation,
6 or any false or misleading description of fact, that can, or is
7 likely to, lead the consuming public or individual members
8 thereof, to believe that any products or services produced,
9 offered, promoted, marketed, advertised, provided, sold or
10 otherwise distributed by the Enjoined Parties is in any manner
11 associated or connected with EM, or are licensed, approved, or
12 authorized in any way by EM;

13 iii. never represent, suggest in any fashion to any third party, or
14 perform any act that may give rise to the belief, that the
15 Enjoined Parties, or any of their products or services, are related
16 to, or authorized or sponsored by, EM;

17 iv. never register any domain name that contains any of the EM
18 Marks or any misspelling or variation of those Marks, or any
19 domain name confusingly similar to any of the EM Marks;

20 v. transfer to EM all domain names in the Enjoined Parties'
21 possession, custody, or control that include the word
22 "entrepreneur" or any misspelling or variation thereof, are
23 otherwise confusingly similar to or contain any of the EM
24 Marks, or were used in connection with the Infringing Mark,
25 including but not limited to *www.joinef.com*.

26 vi. cease all use of the Infringing Social Media Accounts and any
27 similar accounts or social media websites, and never register or
28 attempt to register any social media account that contains the

- ENTREPRENEUR FIRST mark, any of the EM Marks, or any misspelling or variation of those Marks, or any other social media account confusingly similar to any of the EM Marks;
- vii. transfer to EM, disable, or delete the Infringing Social Media Accounts that were used to promote the ENTREPRENEUR FIRST mark, including all such accounts in Defendants' possession, custody, or control that include the word "entrepreneur" or any misspelling or variation thereof, or are otherwise confusingly similar to or contain any of the EM Marks;
- viii. never unfairly compete with EM in any manner whatsoever, or engage in any unfair, fraudulent, or deceptive business practices that relate in any way to the production, distribution, marketing, and/or sale of products and services bearing any of the EM Marks or any other mark likely to cause confusion with the EM Marks, including any misspelling or variation of those Marks; and
- ix. never apply for or seek to register the ENTREPRENEUR FIRST mark, any of the EM Marks, or any other mark likely to cause confusion with the EM Marks, including any misspelling or variation of those Marks.

B. An order, pursuant to 15 U.S.C. § 1118, requiring the Enjoined Parties to deliver and destroy within thirty days all prints, advertising, packaging, goods, and other materials bearing the Infringing Mark.

C. An order pursuant to 15 U.S.C. § 1116(a), directing the Enjoined Parties to file with the Court and serve on EM's counsel, within thirty (30) days after service of the order of injunction, a report in writing under oath setting forth

1 in detail the manner and form in which the Enjoined Parties have complied with
2 the injunction.

3 D. To give practical effect to the Court's injunction, an order that the
4 social networking service or entity (e.g., Facebook) related to any of the social
5 media accounts subject to this Order must, within fourteen (14) days of receipt of
6 the Order, transfer, disable, or otherwise cancel those subject accounts at EM's
7 request if the Enjoined Parties have not already done so.

8 E. To give practical effect to the Court's injunction, an order that the
9 Registry or Registrar for any of the foregoing domain names must, within fourteen
10 (14) days of receipt of the Order, transfer or otherwise assign those subject domain
11 names to EM if the Enjoined Parties have not already done so.

12 F. An order finding that, by the acts complained of above, Defendants
13 have infringed EM's federally-registered trademarks in violation of 15 U.S.C.
14 § 1114.

15 G. An order finding that, by the acts complained of above, Defendants
16 have created a false designation of origin and false representation of association in
17 violation of 15 U.S.C. § 1125(a).

18 H. An order finding that, by the acts complained of above, Defendants
19 have engaged in common law trademark infringement.

20 I. An order finding that, by the acts complained of above, Defendants
21 have engaged in common law unfair competition.

22 J. An order awarding EM damages as follows:

- 23 i. Pursuant to 15 U.S.C. § 1117(a), EM's actual damages, as well
24 as all of Defendants' profits or gains of any kind from its acts of
25 trademark infringement, false designation of origin, and unfair
26 competition, including a trebling of those damages; and
- 27 ii. Punitive damages pursuant to California common law.

1 K. An order pursuant to 15 U.S.C. § 1117(a), finding that this is an
2 exceptional case and awarding EM its reasonable attorneys' fees.

3 L. An order pursuant to 15 U.S.C. § 1117(a), awarding EM all of its
4 costs, disbursements, and other expenses incurred due to Defendants' unlawful
5 conduct.

6 M. An order awarding EM pre-judgment interest.

7 N. An order awarding EM such other relief as the Court deems
8 appropriate.

9 **JURY DEMAND**

10 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby
11 demands a trial by jury.

12
13 Dated: April 4, 2024

Respectfully submitted,

14 LATHAM & WATKINS LLP

15 By: /s/ Perry J. Viscounty
16 Perry J. Viscounty

17 *Attorneys for Plaintiff*
18 ENTREPRENEUR MEDIA, LLC
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